

ORIGINALIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(44)
3-22-02
RW

BRETT T. CULVER

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants.

PLAINTIFF'S RESPONSE TO DEFENSE

Case No. 1:01-cv-00904(Judge Kane **FILED**
HARRISBURG

MAR 21 2002

MARY E. D'ANDREA, CLERK
Per
DEPUTY CLERKPLAINTIFF'S RESPONSE TO FIRST DEFENSE

I. - III. "Agreed."

IV - 1-6. Defendant and counsel deny 1-6 which constitutes perjury of statements made in defendants first argument. Plaintiff has documentation of the defendants illegal seizure (non-return) of plaintiff's legal documents and records (seizure records signed by defendant T. E. Miknich), including documentation of false allegations/misconduct reports formulated by defendant T.E. Miknich (found unmerited of retaliatory nature, subsequently dismissed as alleged). Plaintiff has witnesses and signed Affidavits to confirm acts and incidents of violations/crimes/misconduct committed by the defendant T.E. Miknich against this plaintiff, as the record will also testify. The defendants statements of denial in argument constitutes perjury of facts, evidence, and record. Proceedings, documented record, evidence and testimonies will determine the facts, as this plaintiff is confident.

7. Counsel for the defendants contends no response is required for defendants violations and crimes against plaintiff including 1st, 4th, 8th, 14th Amendment rights. Plaintiff disagrees with said counsel and questions the validity and legal integrity/correctness of counsels contentions, as well as counsels motive. Issues and documented record contradict the statements of both defendant and counsel.

8. Record documentation (including inserts formulated and signed by defendant) contradict defendant and counsel denial of violations and crimes committed against plaintiff and 1st, 4th, 8th, 14th Amendment rights. Court proceedings, documented record, testimonies and evidence will prove the facts, of which this plaintiff is confident.

9. Defendant and counsel contend no legal responsibility to respond to legal violations and crimes of the plaintiff's Amendment rights, which this plaintiff again disagrees.

- 10 - 12. Defendant Carol M. Dotter and counsel deny reported incidents of Complaint, which record documentation will clearly confirm as violations of plaintiffs right to fair/impartial process (or even the right of proper procedural process), as this plaintiff is confident the record will prove conclusively. The defendant and counsel have committed perjury by statements of argument for which record and facts will testify.
13. Defendant and counsel contend no response is required for violations and crimes committed against this plaintiff and 1st, 4th, 8th, 14th Amendment rights, which this plaintiff disagrees.
14. Defendant Linda Chismar and counsel deny reported violations and crimes of Complaint, which record documents (inserts formulated/signed by defendant) will prove said violations and crimes committed by defendant. Defendant and counsel have committed perjury of statements as the record and evidence will prove, as this plaintiff is confident.
15. Defendant and counsel contend no response required for violations and crimes committed against plaintiff and 8th, 14th Amendment rights, which this plaintiff disagrees.
16. Defendant Kevin Kene and counsel deny reported violations and crimes of Complaint, which record documents (signed by defendant) will prove said violations and crimes were in fact committed by defendant, as the record and evidence will prove this defendants actions and collaborations of retaliatory abuses against plaintiff, and the falsification of file records against this plaintiff.
17. Defendant and counsel contend no response required for violations and crimes committed against plaintiff and 1st, 8th, 14th Amendment rights, which this plaintiff disagrees.
- 18 - 20. Defendant Vincent Mooney and counsel deny reported violations, crimes, and incidents of Complaint. Defendant and counsel have committed perjury of statements in defense as proceedings/record/testimonies/evidence will prove, as this plaintiff is confident.
21. Defendant and counsel contend no response is required for violations and crimes committed against this plaintiff and 8th, 14th Amendment rights, which this plaintiff disagrees.
22. Defendants and counsel contend that they cannot determine who was designated in charge of plaintiff's personal property that was seized by defendants and Administrative personnel. Plaintiff questions motive of denial being that record documentation kept by the Administration would detail the incident and any item or property seized from plaintiff, and the office (personnel) in charge or possession of those items. This denial of defendants and counsel demonstrates motive of obstruction and concealment, including their unwillingness to honestly address the issues of Complaint.
23. Counsel contends that no response is required to defendants violations of duties as Secretary (and violation/crimes committed by the defendant's underlings), against plaintiff and 1st, 4th, 8th, 14th Amendment rights, which this plaintiff disagrees.
26. Defendant and counsel deny cited report incidents of Complaint which record, testimony, and evidence will overwhelmingly prove, as this plaintiff is confident.

PLAINTIFF'S RESPONSE TO SECOND DEFENSE

Plaintiff has cited past and present violations of abuses, harassment, threats, retaliatory/deliberate indifference treatment by the defendants, most of which is action pursuant to reported incidents of official abuses, threats, seizures, and obstructions of legal pursuits, justice, and relief/remedies. Plaintiff has cited defendants' official obstructions of justice towards this plaintiff. Plaintiff has cited official violations of policy, procedure, regulations, and laws by the defendants. Plaintiff has cited inappropriate conduct and violation of duties by defendants against plaintiff. Plaintiff has cited adverse abuse of cruel and unusual treatment and retaliations against plaintiff by the defendants in their official capacities, which constitutes violations of duties and abuse of authority. Plaintiff cites relief and remedies obstructed, with-held, and denied by actions and seizures committed by defendants (Prior legal pursuits of damages/relief/resolution lost via seizures and obstruction of plaintiff's legal). Plaintiff continues to suffer harassment and abuses by the defendants and fellow staff members of the S.C.I. Mahanoy Facility. Plaintiff has cited violations and crimes committed by defendants against plaintiff including the violations of Amendment rights for which this plaintiff seeks justice and relief.

PLAINTIFF'S RESPONSE TO THIRD DEFENSE

Citations of Complaint, record documentation, testimony, written Affidavit's, and written/verbal statements and documents by the defendant's themselves expose the individual actions and concert collaborations between defendants/staff/offices to violate and/or deprive plaintiff of rights, privileges, and immunities secured to plaintiff by the Constitution or laws of the United States, which the evidence, record, testimony will prove conclusively through Court Proceedings, as this plaintiff is confident.

PLAINTIFF'S RESPONSE TO FOURTH DEFENSE

The record, evidence, and testimony will show beyond doubt that the defendants' did not act or conduct themselves in good faith or in lawfulness of their actions, and are not entitled to immunity for the misconduct/violations/crimes they have committed against this plaintiff and the Constitution or laws of the United States.

PLAINTIFF'S RESPONSE TO FIFTH DEFENSE

According to the Constitution and laws of the United States, plaintiff is entitled to protection, relief, and compensations (declarative/injunctive/punitive/or other) pursuant to the violations, abuses, and injustices suffered through the actions and treatment of the defendants' cited and reported in Action No. 1:01-cv-00904.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT T. CULVER

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants.

Case No. 1:01-cv-00904

(Judge Kane)

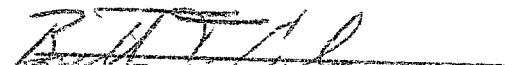
CERTIFICATE OF SERVICE

I, Brett T. Culver, hereby certify that on this date I caused to be served the foregoing Plaintiffs' Response to Defendants' Defense Answer dated 02-20-02, by depositing a copy of the same in the United States mail, through SCI Mahanoy in-house mailing procedure, addressed to the following:

1 copy: U.S. District Court
Clerk of Courts
228 Walnut Street
P.O. Box 983
Harrisburg, PA. 17108

1 copy: Maryanne Lewis
Office of Attorney General
15th. Flr., Strawberry Sq.
Harrisburg, PA. 17120

1 copy: Defendants at SCI Mahanoy
301 Morea Road
Frackville, PA. 17932

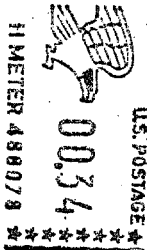

Brett T. Culver

Plaintiff.

DATE: March 16, 2002

NAME Brett Huber
NUMBER DD3483
301 MOREA ROAD
FRACKVILLE, PA 17932

INMATE MAIL
PA DEPT. OF
CORRECTIONS



U.S. District Court
Clerk of Courts
228 Walnut Street
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Harrisburg, PA 17108
FILED
HARRISBURG, PA

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MARY E. D'ANDREA, CLERK
Per Deputy Clerk

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